

# Exhibit E

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

**RUTH SMITH**, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

**SUNPATH, LTD.**, a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081-LMB-WEF

**DECLARATION OF TAYLOR T. SMITH**

I, Taylor T. Smith, declare as follows:

1. I am an attorney with the law firm Woodrow & Peluso, LLC and counsel of record for Plaintiff Ruth Smith (“Plaintiff” or “Smith”).
2. On January 26, 2022, Plaintiff filed the instant action alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA” or “Act”) and the Virginia Telephone Privacy Protection Act (“VTPPA”).
3. On November 9, 2022, Plaintiff issued a subpoena directed to Five9, Inc. (“Five9”), which was identified as one of the telephone service providers that was utilized by Chukran Management Group, LLC a/b/a American Protection Corp. (“American Protection”) to place the calls at issue.
4. On November 30, 2022, in response to the subpoena, Five9 produced the call records associated with American Protection’s account. The call records span from 2018 to the present. The call records are contained within a series of .csv files. Between May 1, 2018 and December 31, 2021, the call records are reflected within forty-five (45) separate .csv files. The

records reflect hundreds of thousands (likely millions) of calls placed by American Protection throughout the class period.

5. The call records include identifying information with respect to all the calls, including but not limited to the following: date, time, the number called (or DNIS number), the originating number (or ANI number), the direction of the call (whether it was inbound vs. outbound), duration, and disposition. Each of the call records also includes information to identify the called party, including their: name, last name, street address, city, state, zip code, and phone number.

6. In Plaintiff's case, counsel located calls placed to her phone number between May 2020 and August 2020. In total, the records reveal that Plaintiff received 172-calls between May and August 2020, which are broken down as follows:

- a. Nineteen (19) calls in May 2020;
- b. Eighty-Three (83) calls in June 2020;
- c. Fifty-Four (54) calls in July 2020; and
- d. Sixteen (16) calls in August 2020.

7. For the purposes of class certification, our office conducted a review of two months of the call records spanning from May 2020 to June 2020.

8. In May 2020, the records reflect 4,745 calls placed to 386 unique telephone numbers corresponding with Virginia addresses. These numbers were obtained by filtering out all "inbound" calls and filtering only calls placed to individuals with an address listed as residing in the State of "Virginia" or "VA". Of the unique Virginia telephone numbers called in May 2020, counsel utilized searchbug.com to identify 151 of the telephone numbers were registered on the National Do Not Call Registry.

9. In June 2020, the records reflect 3,298 calls placed to 452 unique telephone numbers corresponding with Virginia addresses. These numbers were obtained by filtering out all “inbound” calls and filtering only calls placed to individuals with an address listed as residing in the State of “Virginia” or “VA”. Of the unique telephone numbers called in June 2020, counsel utilized searchbug.com to identify 174 telephone numbers that were registered on the National Do Not Call Registry.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 14, 2022, in Denver, Colorado.

By: /s/ Taylor T. Smith

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